

Dana L. Sullivan, OSB No. 94483
E-mail: dana@baaslaw.com
Kristine Lambert, OSB No. 01068
Email: Kristine@baaslaw.com
BUCHANAN ANGELI ALTSCHUL
& SULLIVAN LLP
321 SW Fourth Avenue, Suite 600
Portland, OR 97204
Telephone: (503) 974-5015
Facsimile: (971) 230-0337

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORLTAND DIVISION

GRACIA H. MERRILL,
Plaintiff,
v.
M.I.T.C.H. CHARTER SCHOOL TIGARD and DEBI
LORENCE,
Defendants.

Case No. 3:10-cv-00219-HA

**DECLARATION OF
JANE HALPERT, PH.D.**

I, Jane Halpert, declare under penalty of perjury as follows:

BACKGROUND AND QUALIFICATIONS

1. I am a Professor of Industrial and Organizational Psychology at DePaul University in Chicago, Illinois. I joined the faculty at the rank of Instructor in 1985 while completing my Ph.D. in Industrial and Organizational Psychology at Wayne State University in Detroit, MI. I have since been promoted to Assistant Professor, then to tenured Associate Professor, and finally to Full Professor. With another faculty member I created the Ph.D.

program in Industrial and Organizational Psychology at DePaul and have been director of that program for four terms (1987-1989, 1991-1993, 1998-2000, 2005-2007). From 1996 to 2001 I was also Director of the Center for Applied Social Research, located in the Psychology Department at DePaul University. I have published 19 articles in peer-reviewed journals, many of them extensively cited. I have also presented 37 papers and posters at referred conferences. I am a member of the American Psychological Association, the Society for Industrial and Organizational Psychology, the Academy of Management, the Midwestern Psychological Association, and the Chicago Industrial/Organizational Psychologists (CIOP). I am also a Past President of CIOP. I teach classes from the undergraduate to the Ph.D. level in Group Dynamics, Personnel Psychology, and Statistics. My primary research expertise is in the areas of (1) pregnancy discrimination in the workplace, and (2) psychometrics of retesting. A copy of my Curriculum Vitae is attached to this declaration and incorporated as **Exhibit A**.

2. I have previously testified as an expert regarding sex stereotyping and pregnancy discrimination in *Maxwell v. Virtual Education Software, Inc., CV-09-173-RMP (U.S. Dist. Ct. E.D. Wa.) (Order entering judgment for plaintiff Oct. 26, 2010)*.

3. I have been retained by Dana L. Sullivan of the law firm of Buchanan, Angeli, Altschul & Sullivan, LLP, counsel for plaintiff in the case of *Gracia H. Merrill v. M.I.T.C.H. Charter School, Tigard and Debi Lorence*, to provide an expert opinion on the social science of gender stereotyping. For this purpose I reviewed the literature in the fields of Psychology and Sociology, focusing primarily on works published in peer-reviewed journals. This research includes a description of the issues surrounding the cognitive process of stereotyping and application of the influence of stereotyping in the workplace. It also includes a focus on stereotyping of women in general, pregnant women in the workplace, and employed women with

children.

4. I have also been asked to provide an expert opinion regarding the possibility that gender-stereotyping played a role in Debi Lorence's recommendation that Ms. Merrill's employment be terminated. For this purpose I reviewed the Amended Complaint; the Defendants' Answer to the Amended Complaint; written transcripts and videotapes of the depositions of Gracia Merrill and Debi Lorence; a performance review provided to Ms. Merrill in June 2009; a letter provided to Ms. Merrill in September 2009 listing reasons for her termination and drafts of that letter; Defendants' Motion for Summary Judgment; the Concise Statement of Material Facts in Support of Defendants' Motion for Summary Judgment; the Declaration of Karen Vickers and exhibits; and the Declaration of Debi Lorence and exhibits.

5. My analysis follows the "social framework" approach (Goodman & Croyle, 1989; Monahan & Walker, 1988; Monahan & Walker, 1991) to understanding the principles that apply to a particular issue.

6. Full citations for articles referenced in this declaration and relied upon me in reaching my opinion are listed in **Exhibit B**, which is attached and incorporated.

DEFINITION OF STEREOTYPING

7. Probably the simplest definition of stereotypes is that they are beliefs about the characteristics, attributes, and behaviors of certain groups (Hilton & von Hippel, 1996). Beyond that, the study of stereotyping include theories about how and why this process occurs, who is likely to be stereotyped, and what the consequences of stereotyping might be.

8. Most authors distinguish between stereotyping, prejudice, and discrimination (e.g., Fiske, 1998). The most useful way to make this distinction is to see stereotyping as cognitive, prejudice as affective, and discrimination as behavioral. The cognitive aspect refers to

thoughts and beliefs, the affective component includes attitudes and judgments, and the behavioral component is seen as the actions taken by individuals in response to these cognitions and affects. While there is some overlap, these three constructs are related to each other but not identical. Prejudice, for example, has been defined as “an antipathy based upon a faulty and inflexible generalization” (Allport, 1954, p. 9) showing the affective focus. What is commonly seen is for stereotyping to lead to prejudice, which then may produce discriminatory behavior. Thus, although stereotyping itself may be relatively innocuous, it is often the precursor of more problematic outcomes, such as overt and/or covert discrimination.

9. Among the processes that cause stereotypes to emerge are self-fulfilling prophecies (we tend to create that which we expect), non-conscious detection of covariation (we may generalize from the behavior of one group member to the perceived behavior of others), illusory correlation (similar to prototyping, discussed below), and out-group homogeneity (members of non-favored groups are viewed as being similar to each other in possessing undesirable traits) (Hilton & von Hippel, 1996). Stereotypes are then maintained by virtue of becoming relatively automatic. To treat all people as individuals, with varying traits, attributes, and behaviors, requires much attention and memory capacity. Stereotypes exist, in part, because they reduce this cognitive load and allow us to make attributions based on group membership rather than on specific individual characteristics (Bargh, 1985; Devine, 1989; Feldman, 1981; Hilton & von Hippel, 1996). Feldman’s (1981) work on performance appraisal, for example, demonstrated that once an employee can be associated with a specific prototype, the employee’s supervisor can then attribute aspects of that prototype to the employee, whether such attributions are accurate or not.

THEORETICAL BASES OF STEREOTYPING

10. Several models of how stereotypes are formed, maintained, and applied (Feldman, 1981; Fiske, 1998; Hilton & von Hippel, 1996) have been used by various researchers:

Prototypes. Often people have cognitive conceptualizations or prototype schemata of a variety of distinct groups (males, engineers, Asians, etc.). Individuals are assigned to one or more of these groups according to their salient characteristics. The perceiver then tends to attend to and store in memory those behaviors exhibited by the target that are consistent with the abstract prototype while selectively ignoring behaviors that are prototype-inconsistent. When a judgment about the target is called for, what the perceiver produces from memory is prototype-consistent behaviors, both those that the target actually exhibited and those that he or she did not (Feldman, 1981). Much research has shown that this process can be and often is triggered automatically, without any necessary volition on the part of the perceiver (see Bargh, 1985; Feldman, 1981). This can especially become a problem when an organizational process, such as performance appraisal, calls for the supervisor to store characteristics and behaviors of an employee over a period of time and then later recall them for the purpose of making a judgment about the employee. If prototype-consistent behaviors that did not actually occur are stored in the supervisor's cognitive perception of the employee, then when these behaviors are "recalled" they will lead to an incorrect performance assessment.

Exemplars. In this variation on the prototype model, prototypes are created and stored based not on abstract representations, but on the behaviors of previously-encountered individuals who were members of the particular group. For example, if the supervisor has had previous experience with only one member of a prototype category,

such as Asian male engineers, the tendency will be to stereotype all Asian male engineers as being similar to this exemplar and to appraise them accordingly.

Associative networks. According to this approach, individuals associate sets of behaviors, traits, and attitudes as co-occurring in people. We may, for example, assume that all quiet, introverted individuals are also detail-oriented, because it seems logical to us that these characteristics would go together. Thus, if a target individual exhibits one behavior in this set, it will be assumed that the associated behaviors are likely to have been exhibited as well. Once again, the outcome is that the supervisor has created an incorrect set of facts and stored them in memory, available as the foundation for an incorrect judgment or decision about the employee.

Schemas. Schemas are viewed as extremely abstract beliefs about members of particular groups. These beliefs are generic and do not necessarily have to be tied to exemplars or networks or prototypes. Because schemas generally do not rely on specific attributes, individuals can easily be included in one's conception of a specific group, usually based on a limited number of salient characteristics, such as membership in a social group (Fiske, 1998; Hilton & von Hippel, 1996).

Dissociation. Often, individuals' conscious beliefs are at odds with their unconscious reactions. According to this view, unconscious stereotypes are learned at an early age, before one has the cognitive maturity to critically evaluate the contents of those stereotypes. While facts and beliefs that contradict the unconscious stereotype may be learned later, the stereotype came first and hence is likely to be stronger and more readily activated.

CONSEQUENCES OF STEREOTYPING

11. Once an individual has been cognitively associated with a particular social group, the perceiver may deliberately ignore or inadvertently fail to notice characteristics of that individual (Hilton & von Hippel, 1996). As a result, assessments of the individual's behavior and performance become skewed and inaccurate, as do decisions made on the basis of those assessments.

12. Most authors (e.g., Deaux & LaFrance, 1998; Fiske, 1998; Feldman, 1981; Hilton & von Hippel, 1996) agree that stereotyping can be an automatic process. This means that there is not necessarily any intent on the part of the perceiver to stereotype or misjudge the target individual. In fact, if stereotypes are to fulfill their primary function of reducing cognitive load, it is critical that they operate at a level that does not engage the cognitive assessment process. Rather, most individuals who rely on stereotypes are unaware that they are doing so, and may be surprised when they discover this to be the case. While stereotyping in and of itself is a typical human response to large amounts of information that need to be assimilated, people may be disconcerted when they realize that their decisions have not been based on accurate perceptions but rather on inferred characteristics of the target, and in this situation they will likely deny that they are using stereotypes.

13. At the same time, it should be noted that although stereotyping often occurs without intent, intent can certainly play a part in the process. If there is a desire to discriminate against a member of a specific group, stereotypes may be invoked to provide justification for such behavior. For example, an organization may choose to fire an employee with a small child because "everyone knows" and it "seems logical" that mothers of small children are unreliable and distracted and cannot focus on their jobs. The organization is anticipating that this

characteristic, possibly part of a prototype or generalized from exemplars, will be true of the particular woman in question. It is most easily seen when an employee is judged negatively, not for what the employee has actually done but for what the supervisor believes the employee is likely to do.

14. Taken from another perspective, the research on subtle racism has shown that stereotyping can be expressed covertly as well as overtly. Surveys tend to show less prejudice now than was seen in the mid-20th century. However, actual behaviors have not changed all that much. Fiske (1998) speculates that this may be the result of a change in perceived norms, in which it is less socially acceptable to express dislike of African-Americans or women. In parallel work with gender-related prejudice, measures such as the Modern Sexism Scale (Swim, Aiken, Hall, & Hunter, 1995) and the Neo-Sexism Scale (Tougas, Brown, Beaton, & Joly, 1995), have been developed to measure such subtle opposition to woman-friendly policies.

CONDITIONS CONDUCIVE TO STEREOTYPING

15. While stereotyping can be seen in many settings, exhibited by many people, there are certain situations that have been identified as more vulnerable to the emergence of this process (Thomas & Chrobot-Mason, 2005). First, we see situations where the presence in the workforce of an individual who is distinctive in some way may threaten the existing status quo. When the inclusion of this individual brings up the possibility of changes to traditional ways of doing things, the dominant group may feel threatened and wish to remove the threat. An example of this occurring is when an organization chooses not to treat employee requests on a case-by-case basis but rather applies a general rule to all employees, concerned that to do otherwise might set an unwelcome precedent and/or could just be too much bother. While this is often justified as treating all employees the same and thus steering clear of charges of favoritism,

there are times when special circumstances might dictate an exception to the rule for the sake of not causing undue hardship to a valued employee.

16. When an individual is distinctive in some way, he or she may be socially isolated from the larger group of employees, defined as a “token,” and viewed negatively. For example, Sackett, DuBois, and Noe (1991) found that when women constituted less than 20% of the workforce, they received lower performance ratings than men. However, when women were the majority of the workforce, their ratings exceeded those of men. If an employee is distinctive in a way that makes him or her the only employee in a particular situation, such as being pregnant, this effect would be exacerbated.

17. In addition to threat and distinctiveness, a third issue is the absence of an organizational climate that specifically welcomes diversity. This is most often seen in the lack of policies and organizational structures that promote diversity and provide for accommodation as needed to support it. An example of this might be an organization’s lack of a policy for maternity leave, choosing to rely solely on the provisions of the Family Medical Leave Act.

18. Stereotyping is also facilitated by aspects of the organization’s structure (both formal and informal), strength and content of its culture, and its leadership and strategy. It generally plays out in the organization’s human resource systems (Gelfand, Nishii, Raver, & Schneider, 2005). To the extent that these systems do not explicitly mitigate the tendency to stereotype, stereotyping and its consequent discrimination can easily become a problem.

19. Individuals in positions of power are especially vulnerable to stereotyping others (Fiske, 1993). As was mentioned before, one function of stereotyping is to reduce the need to recall complex sets of actual behaviors, instead minimizing cognitive load by storing only prototype category membership in memory. People who are low in the power structure need to

secure their positions, and one way to do that is to have a detailed and nuanced view of their superiors and the organizational situation, which makes them less likely to engage in broad generalizations. However, those who are higher up in the organizational power structure, such as CEOs, vice presidents, managers, and supervisors can generally protect their own positions without having to pay detailed attention to subordinates. Supervisors also tend to be bombarded with a great deal of information, making stereotyping a convenient way to simplify matters. Finally, to the extent that individuals in positions of power are there in part because of an affinity for holding a dominant position, they may feel that paying close attention to subordinates is not something they want to do.

TARGETS OF STEREOTYPING

20. Any group can be vulnerable to stereotyping by others. However, stereotyping is most commonly seen when the target group has features that are readily (i.e., visually) noticeable and highly distinctive (Hilton & von Hippel, 1996). This would account for the prevalence of stereotypic views of women and individuals of obviously ethnic (e.g., African-American, Asian-American, Middle Eastern, Hispanic, etc.) origin. In addition, groups that are vulnerable in some way, such as occupying lower-status positions and having minimal access to power, are often found to be targets of stereotyping. By so doing, those in higher-status positions are able to (a) create justifications for the lower positions of others, and (b) make decisions that tend to perpetuate those status differentials.

STEREOTYPES BASED ON SEX

21. Some researchers (see Swim, Aikin, Hall, and Hunter, 1995) have examined the ways in which sexism, and racism as well, have become increasingly subtle. They concluded that modern sexism and old-fashioned sexism can be clearly distinguished from each other.

Looking at attitudes and beliefs, old-fashioned sexism is reflected in agreement that (a) women are generally not as smart as men, (b) having a female boss would be uncomfortable, (c) women are not as capable of thinking logically as men, and similar ideas. Modern sexism, on the other hand, is more covert. It encompasses beliefs that sex discrimination is no longer a problem, that it is rare to see a woman treated in a sexist manner on television, that people treat husbands and wives equally in the U.S., and so on. Their conclusion is that sexism and gender stereotyping are still present, but that they may be less obvious and harder to detect because they are clothed in more subtle attitudes. As will be discussed in greater detail later, this is a problem seen in both men and women; it is not restricted to male-dominated organizations. Particularly among mid-career women, one often sees real lack of sympathy toward younger women. This might be characterized as “What are they complaining about? They have no idea how much worse we had it when we were starting out.” Sexism is traditionally articulated as hostility toward women. However, Glick and Fiske (1996; 1997; 2001) have separated stereotyping based on sex into two types: hostile and benevolent sexism. They point out that there are often apparently positive feelings toward women that co-exist with the more commonly-expected antipathy. Hostile sexism refers to those attitudes and beliefs that are consistent with Allport’s (1954) definition of prejudice - “an antipathy based upon a faulty and inflexible generalization.” At the same time, stereotypes about women also create a set of attitudes that appear superficially positive. Benevolent sexism is generally seen in the guise of paternalism, gender differentiation, and heterosexuality. That is, a woman is viewed as “the little lady” – someone to be protected, kept to her proper role, and viewed by men as an appropriate romantic partner. While these attitudes may seem positive, they have the effect of limiting women to specified roles and functions. An important implication of this is that, contrary to what is often believed, stereotypes do not always

appear at first glance to be a bad thing. However, taken together, hostile and benevolent sexism produce ambivalence in the perceiver and confusion in the target. In a test of the ambivalent sexism theory, Hebl, King, Glick, Singletary and Kazama (2007) found that pregnant women in traditional roles (e.g., retail store customer) received more expressions of benevolent sexism from store clerks, while those in less traditional roles (e.g., job applicant) experienced more hostile sexism.

22. It should be noted that both men and women have been documented as stereotyping women (e.g., Halpert, Haynes, Lueck & Marentette, 2010; Halpert, Wilson, & Hickman, 1993; Toder, 1980). The “queen bee” syndrome (Cooper, 1997; Ellemers, van den Heuvel, de Gilder, Maass, & Bonvini, 2004) has been suggested as a mechanism in which managerial-level women may feel either threatened by or disinterested in the career progress of their lower-level female colleagues. There is no reason why members of a particular group cannot stereotype and discriminate against others in the same group, particularly if those other are viewed as being competition for limited resources. For example, think about a woman who has children of her own and is in the position of supervising another woman who is pregnant. We would like to believe that having been through the process herself, the supervisor would translate her experience into increased understanding of the needs of her subordinate and empathy for her situation. However, what is often seen is that the supervisor uses herself as a prototype and generalizes from her own experience to her subordinate. If the supervisor did not herself have problems with morning sickness, she might expect the same of the subordinate and thus be reluctant to tolerate the subordinate taking “excessive” break time. If the supervisor did not have a high-risk pregnancy, she could well be unsympathetic to the needs of a subordinate who is in that situation. If the supervisor thinks that she got through her pregnancy without any

assistance or accommodation on the part of her employer, she may be less willing to accommodate the needs of her subordinate. Any assumption that women will automatically be sympathetic to other women is not necessarily correct.

23. Much recent work in the area of gender-related stereotypes has been founded upon social role theory (Eagly, 1987). This theory states that stereotypes about men and women stem from their traditional assignment to breadwinner and homemaker roles, respectively. Men are generally stereotyped as independent, adventurous, strong, active, competent, assertive, and achievement-oriented. In contrast, women are stereotyped as warm, sociable, interdependent, emotional, and relationship-oriented (Fiske, 1998). Subgroups within these overall stereotypes have also been identified. For men, these include the businessman, the macho man, the athlete, the blue-collar worker. For women, subtypes include the housewife, the sexy chick, and the career woman. It is notable that the career woman subtype contains characteristics of being intelligent, confident, ambitious, and hard-working. This subtype, however, is grouped together with women identified as feminist, athletic, and lesbian, suggesting that women who display traits that are more stereotypically male are also described in terms that have ambiguous, at best, social desirability.

24. The discussion that follows focuses specifically on two groups of women: those who are pregnant and those who have children. Members of these groups are subject to the sex-related stereotyping already presented, plus exacerbating factors based on their specific situations.

PREGNANT WOMEN IN THE WORKPLACE

25. Despite the Pregnancy Discrimination Act of 1978 and subsequent guidance to employers by the EEOC, it appears from the large number of complaints received by the EEOC

that in many organizations pregnant employees are having difficulty being treated fairly. And even organizations and managers who wish to give appropriate treatment to pregnant employees may find themselves having to deal with resistance among other workers. There may be perceptions of favorable treatment for the pregnant workers, or anger about being asked to pick up some of the slack during a co-worker's maternity leave. Gueutal and Taylor (1991) found a noticeable willingness to discriminate against pregnant employees because of their pregnancy. Much of this can be attributed to a number of stereotype-based fears (Gueutal, Luciano, & Michaels, 1995).

- a) Fear that pregnancy will alter an employee's ability to perform the job, based on stereotypes about the abilities and motivations of pregnant working women.
- b) Fear of the impact of the pregnant employee on the workload of other employees, based on these same stereotypic assumptions about the woman's willingness and ability to do her job during pregnancy, plus expectations of having to do her job as well as one's own during maternity leave.
- c) Uncertainty as to whether the employee will return to work after maternity leave as expected. Several studies (Halpert & Burg, 1997; McDonald, Dear, & Backstrom, 2008) have shown this to be a common concern among supervisors and coworkers of pregnant employees.

26. One of the earliest studies investigating attitudes about pregnant women was done more than twenty years ago. Here, Taylor and Langer (1977) found a set of stereotypes about pregnant women that simultaneously expected her to be passive and disparaged her for being so. A woman's pregnancy appeared to act as a visual stimulus that resulted in avoidance and staring. Building on that work, Horgan (1983) found differential attitudes towards pregnancy depending

on the social class of the pregnant woman. For upper-class women, pregnancy was viewed as feminine, delicate, and luxurious. For those of lower status, pregnancy was seen as a job, a period when one is fat and unattractive.

27. Halpert and her colleagues (Halpert & Burg, 1997; Halpert, Wilson, & Hickman, 1993) used as a theoretical basis the work of others already cited. Pregnancy has been shown to be a visual cue which can elicit stereotypic reactions in social functioning (Taylor & Langer, 1977). Therefore, it was hypothesized that pregnancy would also serve as a cue for cognitive categorization (Feldman, 1981). Several studies looked at this issue.

28. First, a survey was designed to assess the content of individuals' stereotypes about pregnant women in general and pregnant working women in particular (Halpert, Wilson, & Hickman, 1993). This 63-item measure resulted in six dimensions:

- a) Pregnant women are problem employees
- b) What company policy about pregnant employees should be
- c) Women should choose either a career or a family, but not both
- d) Pregnant women are highly emotionally volatile
- e) Pregnant women have major physical limitations
- f) Feminism (support for the Equal Rights Amendment and for women in the military)

29. Their results showed that men were more likely than women to see pregnant employees as troublesome, believed that women should not try to have both a career and a family, and saw pregnant women as emotionally volatile and physically limited. Men were also less supportive of organizational policies that provided accommodation for pregnant employees. The results of this study were confirmed by Pattison, Gross, and Cast (1997). And recent

research (Halpert, Haynes, Lueck, & Marentette, 2010) replicated the first four of these six dimensions and found that the male-female differences persisted. It should not be inferred, however, that women did not subscribe to these stereotypic beliefs. They did, but merely to a somewhat lesser degree than men.

30. In a second study, published as part of the same article, individuals watched a videotape of either a pregnant or a non-pregnant woman performing tasks from an assessment center and rated her performance. Almost all ratings differed significantly between the pregnant and non-pregnant conditions, with consistently lower ratings given to the pregnant employee. At the same time, there was also a trend for males to give lower performance ratings than females, particularly when the employee was pregnant, although again women did this to a lesser extent as well.

31. In related work (Halpert & Burg, 1997), anecdotal reports from pregnant working women showed that discriminatory and otherwise inappropriate behavior from organizations, supervisors, coworkers and subordinates did occur, albeit to a minority of women reporting. One example is of a company denying an employee permission to use sick time for attacks of morning sickness, claiming that pregnancy was a self-inflicted illness. However, with the exception of a few truly egregious examples (see also McDonald, Dear, & Backstrom, 2008), the authors concluded that many of the problems experienced by pregnant employees were not the result of deliberate malice. Rather, issues of gender-related and pregnancy-related stereotypic expectations and poor communication on the part of the organization seemed to be the predominant causal factors. Once again, it makes sense to attribute many of the problems to the automatic nature of stereotyping, and one must recall that stereotyping without intent is still stereotyping, with similar deleterious outcomes. However, some examples were clearly the

result of a desire to treat the pregnant woman in a manner different from other, non-pregnant, employees.

32. Similar research by Greenberg, Ladge, and Clair (2009) found pregnant working women having to navigate a number of private and public areas of conflict. These included negotiating their professional legitimacy, work-family priorities, and aspirations in the private sphere, and physiological issues, need for time to see doctors, maternity leave, work roles, and shifting public/private boundaries in the public (organizational) sphere.

33. In a hypothetical job applicant interview situation, Bragger, Kutcher, Morgan and Firth (2002) found that pregnancy significantly decreased ratings of qualifications for hire. This effect, however, was ameliorated when the interview used a structured rather than unstructured format. In an unstructured interview, the interviewer's biases and expectations are given more room to affect the outcome. When the interview conversation is more focused, stereotypes about the applicant's pregnancy seem to be held in check. This would seem to indicate that the proper organizational systems can help keep the problem of discrimination in check to some extent.

34. However, Cunningham and Macan (2007) found that even when using a structured interview, a pregnant job applicant received lower ratings than one who was equally qualified but not pregnant. The pregnant applicant also was rated as being expected to have greater absenteeism and a greater probability of turnover, plus being more stereotypically female than the non-pregnant applicant. While this research was conducted within the context of a pre-employment interview, it must be remembered that interviews are interpersonal interactions that result in a decision about the target individual. Thus, the results found by Cunningham and Macan (2002) are also relevant for performance appraisal, training, promotion, termination, and almost any other decision made during the course of an individual's employment.

FEMALE EMPLOYEES WITH SMALL CHILDREN

35. In 2004, Crosby, Williams and Biernat addressed the concept of the “maternal wall.” Analogous to the “glass ceiling” effect, in which women can only rise so far in the organizational hierarchy, the maternal wall refers to barriers encountered by mothers, particularly mothers of infants and small children.

36. If we are considering parents, the role divisions that are so important in the Social Role Theory of sex-based discrimination (Eagly, 1987) and their associated stereotypes become even more salient (King, 2008). King’s research showed that the maternal wall (Crosby, Williams, & Biernat, 2004) does exist and that there is a clear motherhood penalty in terms of perceptions, pay, and opportunities for advancement. Ridgeway and Correll (2004) state that the motherhood penalty can be traced to the extremely low social status attached to being a primary caregiver. The biases that working mothers experience are stronger than simple gender bias alone.

37. Correll, Benard, & Paik (2007) cite figures that put the wage differential between women who are mothers and those who are not as larger than the pay gap between men and women. Interruptions from work, part-time work, and lower seniority taken together explain about one-third of the motherhood penalty (Budig & England, 2001). These authors also found that differences in types of jobs held by women (occupational segregation) did not add substantially to the amount of the pay differential explained. Correll, Benard and Paik (2007) advance and test a theory that motherhood is a status characteristic that results in biased evaluations of competence and commitment and a stricter performance standard for mothers. This then leads to a tendency to favor non-mothers in human resource decisions. They found that mothers were rated lower and held to higher standards than non-mothers, whereas the

opposite was true for men (i.e., motherhood penalty and fatherhood advantage). In a job application setting, they also found that being a parent lowers the odds that a woman, but not a man, will receive a callback from employers. Similarly, Cuddy, Fiske, and Glick (2004) found that when women become mothers they are perceived as less competent and were less likely to be hired, promoted or receive further training than women without children.

38. Hoobler, Wayne, and Lemmon (2009) investigated glass ceiling effects and showed that being female, caring for an elder or dependent, having more children, and being married affected managers' perceptions of a subordinate's family-work conflict, which affected perceptions of that subordinate's performance, fit with the job and fit with the organization. These then affected ratings of promotability and actual nominations for promotion. The determining factor here was not *actual* family-work conflict, but the managers' *inferences* about the family-work conflict that they assumed a woman with children would experience.

39. Work by Cuddy (Cuddy, Fiske, & Glick, 2004) has also identified stereotypes centering around dimensions of warmth and competence. They have repeatedly shown that while women without children may be seen as competent, mothers are viewed as warm but not competent (she's a nice person, but not a good employee). Men, on the other hand, are stereotyped as competent and, when they become fathers, warm as well. Becoming a parent harms perceptions of working women, but this does not happen to perceptions of working men who become parents. The "warm but not competent" stereotype of working mothers then evokes reactions of disdain and the paternalism cited earlier as an indicator of benevolent sexism (Glick & Fiske, 1996; 1997; 2001). Other research (Etaugh & Kasley, 1981; Etaugh & Malstrom, 1981) found similar results. They showed that married women were seen as more likeable but less successful in their jobs than married men. They also found that married men were judged to

be more dedicated to their jobs than married women. Their data indicate that married men without children were seen as most competent, while single women with a child were judged least women were competent. Masser, Grass, and Nesic (2007) present data showing that ratings of competence strongly predicted a hiring recommendation for a non-pregnant job applicant, for a pregnant applicant there was no relationship between competence ratings and the offer of a job. Their research suggests that even if a pregnant woman or one with children is assessed as competent, it doesn't help her when it comes to getting a job.

40. More research has supported these findings. Fuegen, Biernat, Haines, and Deaux (2004) found that parents were judged less agentic (i.e., less proactive, less able to take actions within one's world) and less committed to their employment than non-parents. Parental status also interacted with gender to show that fathers were held to more lenient standards than mothers and childless men.

41. Beginning in 2008, the Halpert, Wilson, and Hickman (1993) study was replicated and extended by the addition of a manipulation in which the target employee either had children or did not (Halpert, Haynes, Lueck, Marentette, & Jones, 2010). While the data have not yet been fully analyzed, results so far show no differences in stated attitudes regarding the competence of working mothers vs. non-mothers. However, mothers received significantly lower ratings than non-mothers when it came to projected behaviors, specifically recommendation for promotion and designation of salary.

CONCLUSIONS AND IMPLICATIONS

42. In looking at the relevance of psychological theory to the litigation process, Krieger (2004) articulates three important principles:

- People are not always optimal social information processors. Social perception and judgment are subject to numerous biases. Frequently, these biases operate outside of the perceiver's conscious, attentional focus.
- By varying even minor aspects of the situation in which people are asked to judge, act, or choose, one can elicit completely different patterns of behavior.

It is not raw perceptual data that shapes impression formation, memory, or eventual choice. What matters is the way in which those data are subjectively construed by the perceiver. (Krieger, 2004, p. 843)

43. This review of the literature suggests several conclusions about stereotyping and implications for its occurrence in organizations in general and particularly in the context of this case (*Merrill v. M.I.T.C.H.*).

44. First, research has clearly established that interpersonal stereotyping occurs in both organizational and non-organizational settings. Its existence has been documented by direct observation and by experimental variation. It is also supported by theoretical underpinnings, primarily from basic research in the field of Social Psychology.

45. It has also been shown that specific stereotypes concerning pregnant working women and working mothers exist and that they can affect the behavior and decisions of organizational members, both men and women. These decisions affect the working conditions of all employees, but particularly those who are targets of stereotyping, such as pregnant women and working mothers.

46. It is my opinion based upon my review of materials related to this case, that Ms. Lorence's negative view of Ms. Merrill's work performance at the time of her termination is consistent with what one would expect if sex stereotyping and pregnancy stereotyping were

taking place. While it is not possible for anyone to say definitively whether this was the case, I do believe that sex stereotyping may well have been operating as one factor in this situation.

47. Statements made by organizational decision-makers can raise the concern that stereotyping underpins those decisions. For example, Ms. Lorence's offering of a job-share option to Ms. Merrill shows consideration of special needs that Ms. Merrill may have had related to her pregnancy. However, Ms. Lorence's repeated requests that Ms. Merrill consider the option, placing pressure on Ms. Merrill to drop back from full-time to part-time employment, raises the question of whether the offer is more about Ms. Lorence's beliefs about new mothers than about Ms. Merrill's actual behavior or desires.

48. In another example, Ms. Lorence, in her deposition, repeatedly characterizes Ms. Merrill's reactions to medical threats to her pregnancy as "hysterical," an appellation that she declines to apply to other employees who had episodes requiring medical intervention. Hysteria is a term that is generally applied particularly to women (the word itself is derived from "uterus") and denotes not just an individual who is upset, but a woman who is out of control. In fact, in the nineteenth century the term was used to define a disorder stemming from problems located in the female sexual and reproductive organs. To apply "hysteria" to Ms. Merrill and not to others who were distraught while experiencing acute medical issues suggests that Ms. Lorance saw Ms. Merrill's situation as (1) different and (2) justifying a more pointed and pejorative descriptor. What, then, differentiated Ms. Merrill's situation from the medical emergencies of other employees? It appears that the only difference was that Ms. Merrill's situation stemmed from pregnancy as opposed to some other medical condition.

49. A number of factors that predispose individuals and organizations to stereotype have been presented in the instant case. Ms. Merrill's situation changed: she became pregnant.

In particular, her pregnancy was high risk, making M.I.T.C.H.'s experience with her different from that of other employees who had been pregnant. However, her behaviors in asking for paid maternity leave were more assertive than the usual stereotype of pregnant women and mothers, who are expected to be compliant, sweet, and a bit distracted. Because of medical appointments or other considerations related to her medically high-risk pregnancy, Ms. Merrill had to request certain accommodations. For example, she could not attend agricultural training during the Summer of 2009 at the typical location and she was absent at times due to medical appointments. The change in Ms Merrill's situation and her not conforming to expectations of what a pregnant woman should be like made her distinctive, and may have led to fears that responding to her needs would (a) be inconvenient, and/or (b) open the door to similar requests by other employees. It should also be noticed that, in addition to Ms. Lorence being in a position of authority over Ms. Merrill, the M.I.T.C.H. Board of Directors was also in a position of authority. The Board apparently voted to authorize terminating Ms. Merrill's employment solely on the basis of information provided by Ms. Lorence, without even talking to Ms. Merrill or allowing her the opportunity to defend herself. While the school's charter may have permitted this, the Board had no opportunity to independently consider whether Ms. Merrill's termination was justified and simply adopted Ms. Lorence's recommendation, without considering whether a discriminatory motive played any role in that recommendation.

50. One can also look at the events surrounding Ms. Merrill's termination by M.I.T.C.H. It is common Human Resources practice, when an employee's behavior and/or performance, is viewed as problematic, to document those issues in writing. The employee and the supervisor generally discuss the situation and the signatures of both attest to the fact that the employee was warned about the problem. This should happen at the time the problem occurs,

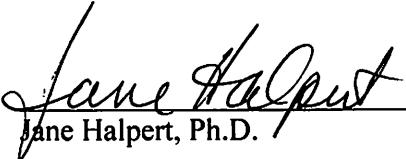
giving the employee the opportunity to correct the situation. It also allows the employee to get any explanation on the record.

51. In this case, no such written documentation exists contemporaneous to the alleged incidents. Ms. Merrill was terminated without prior warning, and without the opportunity to defend herself before the Board. She was not provided with any explanation at the time of her termination. At a later point, a letter itemizing reasons for her termination was created and sent to her. However, the timing of this letter makes it unclear whether the issues therein were the actual reasons for terminating her or whether they were a *post hoc* attempt to justify a decision that was improperly motivated by discriminatory perceptions of Ms. Merrill in light of her pregnancy.

52. It appears that stereotyping and its consequent discriminatory behavior could well have been operating in this situation. The behaviors alleged to have occurred are consistent with the factors associated with stereotypical attitudes, prejudicial judgments, and discriminatory behavior.

I declare under penalty of perjury that the foregoing statement is true and accurate to the best of my recollection.

DATED this 11th day of January, 2011.



Jane Halpert
Jane Halpert, Ph.D.

CURRICULUM VITAE

Jane A. Halpert, Ph.D.

Department of Psychology
DePaul University
2219 N. Kenmore Avenue
Chicago, Illinois 60614

Voice: (773) 325-4265
FAX: (773) 325-7888
e-mail: jhalpert@depaul.edu

EDUCATION

1977 - 1985 Wayne State University, Detroit, Michigan.
B.A. 1979, Psychology (with Honors)
M.A. 1982, Industrial/Organizational Psychology. Thesis: Effects of race and job level
on job satisfaction,
Ph.D. 1985, Industrial/Organizational Psychology. Dissertation: Perceived
characteristics of effective managers as a function of technological environment.

ACADEMIC APPOINTMENTS

2009-present Professor, Department of Psychology, DePaul University, Chicago, IL Duties
include teaching graduate and undergraduate courses, advising, supervising
M.A. and Ph.D. students, and research.

1992-2009 Associate Professor, Department of Psychology, DePaul University, Chicago, IL.

1986-1992 Assistant Professor, Department of Psychology, DePaul University, Chicago, IL.

1985-1986 Instructor, Department of Psychology, DePaul University, Chicago, IL

ADMINISTRATIVE APPOINTMENTS

Director, Industrial/Organizational Psychology Program, DePaul University. This
administrative appointment rotates among the I/O Program faculty for two-year terms. Since
joining DePaul in 1985, I have held this position four times: 1987-1989, 1991-1993, 1998-2000,
and 2005-2007.

Director, Center for Applied Social Research, DePaul University, 1996-2001.

Independent Consultant. Projects included:

- Consultant to Episcopal Diocese of Chicago
- Focus Group Facilitation
- Conflict Resolution

PROFESSIONAL EXPERIENCE - APPLIED

2010 Job Analysis Consultant, St. Margaret Mary Parish, Naperville, Illinois.

1992-1996 Research Associate, Center for Applied Social Research, DePaul University.

1986-1995 Psychological Research Consultant, London House, Inc., Rosemont, Illinois.

1983 Consultant and workshop leader, Pontiac General Hospital, Pontiac, Michigan.

1982 Assistant to external consultant, Ford Motor Company, Utica, Michigan.

1981 - 1982 Graduate Intern, Personnel Systems and Research, Michigan Bell Telephone Company, Detroit, Michigan.

1979 - 1980 Assistant to assessment center consultants, Burroughs Corporation, Detroit, Michigan.

PUBLICATIONS (refereed)

Halpert, J.A. (1990). The dimensionality of charisma. *Journal of Business and Psychology*, 4(4), 399-410.

Halpert, J.A., and Gundry, L.K. (1991). Issues and options in literacy training. *Journal of Business and Psychology*, 5(4), 489-497.

Cellar, D.F., Miller, M.L., and Halpert, J.A. (1993). Effects of type of decision and organizational outcome on observers' evaluations of the context for decision. *Psychological Reports*, 72, 335-344.

Jason, L.A., Danner, K.E., Kurasaki, K.S., Halpert, J., Weine, A.M., Warren-Sohlberg, L., and Johnson, J. (1993). A 1-year follow-up of a preventive program for high-risk transfer children. *Journal of Emotional and Behavioral Disorders*, 1, 215-221.

Halpert, J.A., Wilson, M.L., and Hickman, J.L. (1993). Pregnancy as a source of bias in performance appraisals. *Journal of Organizational Behavior*, 14, 649-663.

Kaufman, J.S., Jason, L.A., Sawlski, L.M., and Halpert, J.A. (1994). A comprehensive multi-media program to prevent smoking among black students. *Journal of Drug Education*, 24(2), 95-108.

Rospenda, K.M., Halpert, J., and Richman, J.A. (1994). Effects of social support on medical students' performances. *Academic Medicine*, 69(6), 496-500.

Halpert, J.A., and Burg, J.H. (1997) Mixed messages: Co-worker responses to the pregnant employee. *Journal of Business and Psychology*, 12(2), 241-253.

Stuhlmacher, A.F., and Halpert, J.A. (1998) Perceived fairness of arbitration: The impact of decision strategies. *Journal of Social Behavior and Personality*, 13(2), 359-373.

Jason, L.A., Fennell, P.A., Klein, S., Fricano, G., Halpert, J.A. (1999). An investigation of the different phases of the CFS illness. *Journal of Chronic Fatigue Syndrome*, 5(3/4), 35-54.

Jason, L.A., Fricano, G., Taylor, R.R., Halpert, J., Fennell, P.A., Klein, S., & Levine, S. (2000). Chronic fatigue syndrome: An examination of the phases. *Journal of Clinical Psychology*, 56(12), 1497-1508.

Jason, L.A., Fennell, P.A., Taylor, R.R., Fricano, G., & Halpert, J.A. (2000). An empirical verification of the Fennell phases of the CFS illness. *Journal of the Chronic Fatigue Syndrome*, 6(1), 47-56.

Grant, K., Grace, P., Trujillo, J., Halpert, J., Kessler-Cordeiro, A., Razzino, B., & Davis, T., (2002). Predicting desire for a child among low-income urban adolescent girls: Interpersonal processes in the context of poverty. *Journal of Primary Prevention*, 22(4), 341-359.

Grant, K.E., Compas, B.E., Stuhlmacher, A.F., Thurm, A.E., McMahon, S.D., & Halpert, J.A. (2003). Stressors and child and adolescent psychopathology: Moving from markers to mechanisms of risk. *Psychological Bulletin*, 129(3), 447-466.

Hausknecht, J.P., Halpert, J.A., DiPaolo, N.T., & Moriarty Gerrard, M.O. (2007). Retesting in selection: A meta-analysis of coaching and practice effects for tests of cognitive ability. *Journal of Applied Psychology*, 92(2), 373-385.

Nelson, C.G., Halpert, J.A., & Cellar, D.F. (2007). Organizational responses for preventing and stopping sexual harassment: Effective deterrents or continued endurance? *Sex Roles*, 56, 811-822.

Groh, D., Jason, L., Ferrari, J., & Halpert, J. (in press). The effects of 12-step participation on social support: A longitudinal investigation within a recovery home sample. *International Journal of Self Help & Self Care*, 4(3).

Halpert, J.A., Stuhlmacher, A.F., Crenshaw, J.L., Litcher, C.D., & Bortel, R. (2010). Paths to negotiation success. *Negotiation and Conflict Management Research*, 3(2), 91-116.

Manuscripts under review

McMahon, S.D., Felix, E.D., Petropoulos, L.A., & Halpert, J. Exposure to violence and

aggression among urban adolescents: Normative beliefs and self-efficacy as mediators. Manuscript under review.

Halpert, J.A., Miller, L., Haynes, S., and Gerjerts, K. Retesting in selection: A meta-analysis of personality tests. Manuscript under review.

Miller, L., & Halpert, J. Impression management and leader-member exchange (LMX) quality. Manuscript under review.

Groh, D., Jason, L., Ferrari, J., & Halpert, J. A longitudinal investigation of the predictability of the three-factor model of the Important People Inventory. Manuscript under review.

PUBLICATIONS (non-refereed)

Halpert, J.A. (1992). This is about power - not physical attraction. Small Business Forum, 10(2), 13-14.

Halpert, J.A., & Stuhlmacher, A.F. (2004). Teachingt the teachers: I-O in the high school curriculum. The Industrial-Organizational Psychologist, 42(1), 153-154.

Halpert, J., & Hausknecht, J. (2004). What happens when applicants retest? Issues and outcomes of repeated testing. PTC Newsletter, XXVII(12), 4.

Manuscripts in Preparation

Halpert, J.A. and Stuhlmacher, A.F. A task typology for integrative negotiation research.

Halpert, J.A., and Morrisett, M. Subject pool responses across the academic term

PRESENTATIONS (refereed)

Barclay, L. A., Fields, M. W., and Halpert, J. A. (1981, April). Perceived differences in job isolation and related satisfaction for different racial groups. Paper presented at the meeting of the Midwest Academy of Management, Chicago.

Barclay, L. A., Fields, M. W., and Halpert, J. A. (1981, April). The impact of gender, perceived female isolation and beliefs in traditional roles for women on job satisfaction. Paper presented at the meeting of the Midwestern Psychological Association, Detroit.

Halpert, J. A. (1986, November). Perceptions of high tech. Paper presented at the meeting of the Illinois Psychological Association, Chicago.

Latham, V. M., Simerson, G. R., & Halpert, J. A. (1988, April). Recruitment sources' effects on job attitudes: Is there evidence for the realism approach? Paper presented at the meeting of the Midwestern Psychological Association, Chicago.

Jason, L. A., Johnson, J., Weine, A., Halpert, J., & Betts, D. (1989, April). Follow-up of a preventive intervention for high risk transfer children. Paper presented at the meeting of the Society for Research in Child Development, Kansas City, MO.

Johnson, J., Halpert, J., & Jost, S. (1989, June). Structural equation models and cluster analyses. Paper presented at the Second Biennial Conference on Community Research & Action, East Lansing, MI.

Porter, A., Halpert, J., Blumberg, A., Zolik, E., & Sargeant, G. (1989, October). Evaluation of an academic nuclear technology and arms control program. Paper presented at the meeting of the American Public Health Association, Chicago.

Halpert, J., Zolik, E., Porter, A., Blumberg, A., & Sargeant, G. (1989, October). Nuclear issues/Peace education programs and the modification of attitudes and perceptions. Paper presented at the meeting of the American Public Health Association, Chicago.

Halpert, J., Zolik, E., & Blumberg, A. (1990, August). Evaluation of a peace education program: Results, problems, and needs. Paper presented at the meeting of the American Psychological Association, Boston.

Gundry, L.K., & Halpert, J.A. (1991, June). Literacy training in organizations: Preparing for Workforce 2000. Paper presented at annual conference of the International Personnel Management Association Assessment Council, Chicago.

Halpert, J.A., & Allscheid, S.P. (1991, August). Temporal dynamics of subject pool research. Paper presented at the meeting of the American Psychological Association, San Francisco.

Halpert, J.A., Wilson, M.L., & Hickman, J.L. (1991, August). Pregnancy as a source of bias in performance appraisals. Paper presented at the meeting of the American Psychological Association, San Francisco.

Horowitz, D.B., & Halpert, J.A. (1991, August). Applications of Job Characteristics Theory in job design. Paper presented at the meeting of the American Psychological Association, San Francisco.

Salmons, S., Halpert, J., Sheehan, D., & Caruso, K. (1992, March). Are pregnant women being discriminated against in academia? Paper presented at the I/O Psychology and Organizational Behavior Graduate Student Conference, Roanoke, Virginia.

Johnson, J.H., Jason, L.A., & Halpert, J. (1992, April). Developing a model of transfer student adjustment using path analysis. Paper presented at the meeting of the Western Psychological Association, Portland, Oregon.

Halpert, J.A., & Hickman, J.L. (1993, March). Experiences of pregnant women in the workplace. Paper presented at the Industrial/Organizational Psychology and Organizational Behavior Graduate Student Conference, Toronto.

Hickman, J.L., Halpert, J.A., & Cellar, D. (1994, June). The importance of gender expectations to delegation outcomes. Paper presented at the Conference of the American Psychological Society.

Whalen, D.J., Halpert, J.A., & Nitterhouse, D. (1994, November). The effect of source leadership in group decision support software: A classroom approach. Paper presented at the meeting of the Southern Marketing Association, New Orleans.

Stuhlmacher, A.F., and Halpert, J.A. (1996, May). Perceived fairness of conflict resolution: The impact of decision strategies. Paper presented at the meeting of the Midwestern Psychological Association, Chicago.

Halpert, J.A., Stuhlmacher, A.F., and Walters, A.E. (1997, April). Win, lose, or compromise: A reconceptualization of integrative negotiation. Paper presented at the meeting of the Society for Industrial and Organizational Psychology, St. Louis.

Grant, K.E., Grace, P., Trujillo, J., and Halpert, J. (1997, August). Role of parents and boyfriends in predicting teen pregnancy. Paper presented at the meeting of the American Psychological Association, Chicago.

Halpert, J.A., Stuhlmacher, A.F., Bortel, R., Itaya, F., Crenshaw, J.L., & Litcher, C. (2002, April). Negotiation: Meta-analyses and a path model. Paper presented at the meeting of the Society for Industrial and Organizational Psychology, Toronto.

Stuhlmacher, A.F., Halpert, J.A., Bortel, R., Itaya, F., Crenshaw, J.L., & Litcher, C. (2002, August). Relationships and negotiation: Meta-analyses and a path model. Paper presented at the meeting of the American Psychological Association, Chicago.

Halpert, J.A. (2002, August). Equality vs. equity: Should graduate students duke it out for funding? In A. F. Stuhlmacher (Chair), Graduate study in I/O Psychology: The issue of student funding. Symposium presented at the meeting of the American Psychological Association, Chicago.

Halpert, J.A., Franze, I.J., & Matuszewska, A.M. (2003, May). Working while pregnant: How your coworkers see you. Paper presented at the meeting of the Midwestern Psychological Association, Chicago.

Grant, K.E., Compas, B.E., Stuhlmacher, A.F., Thurm, A.E., McMahon, S., Halpert, J.A., Gipson, P., & Campbell, A. (2003, May). Meta-analysis of family processes as mediators of the relation between poverty and child/adolescent psychopathology. Paper presented at the meeting of the Midwestern Psychological Association, Chicago.

Tracy, R.J., Patterson, B.G., & Halpert, J.A. (2003, May). A truth-based approach for identifying the best and worst proverbs. Paper presented at the meeting of the Midwestern Psychological Association, Chicago.

Halpert, J.A., & Stuhlmacher, A.F. (2004, April). Teaching Institute: Industrial/Organizational Psychology in the high school curriculum. Workshop presented at the meeting of the Society for Industrial/Organizational Psychology, Chicago.

Hausknecht, J.P., Halpert, J.A., Harder, B., Kuljanin, G., & Moriarty, M. (2005, April). Issues in repeated testing: Test attitudes and applicant reactions. Paper presented at the meeting of the Society for Industrial/Organizational Psychology, Los Angeles.

Halpert, J.A. (2005, April). I/O psychology at the bachelor's degree level: effective education for most of our students. Paper presented at the meeting of the Society for Industrial/Organizational Psychology, Los Angeles.

Halpert, J.A., Gerjerts, K.G., Miller, L., Fritts, T., & Hausknecht, J.P. (2007, April). Antecedents and outcomes of selection practice effects. Paper presented at the meeting of the Society for Industrial/Organizational Psychology, New York.

Sidle, S.D., Barnes-Farrell, J.L., Baltes, B.B., Halpert, J.A., & Huelsman, T.J. (2007, April). To PhD or not to PhD. Panel discussion presented at the meeting of the Society for Industrial/Organizational Psychology, New York.

Halpert, J.A., Gerjerts, K.G., Miller, L., Lukasik, M., & Fritts, T. (2008, April). Personality tests used for selection: Practice effects. Paper presented at the meeting of the Society for Industrial/Organizational Psychology, San Francisco.

Halpert, J.A., Stuhlmacher, A., Crenshaw, J., Litcher, C., Bortel, R. (2008, April). Paths to negotiation success. Poster presented at the meeting of the Society for Industrial/Organizational Psychology, San Francisco.

Rudolph, C., Halpert, J., & Wynne, K. (2009, April). I don't like where you're from: Evaluations of Arabic applicants. Poster presented at the meeting of the Society for

Industrial/Organizational Psychology, New Orleans.

Halpert, J., Haynes, S., Lueck, M., & Marentette, B. (2010, April). Attitudes about pregnant employees: Change over twenty years. Poster presented at the meeting of the Society for Industrial/Organizational Psychology, Atlanta.

Haynes, S., Halpert, J., Lueck, M., & Marentette, B. (2010, April). Investigating pregnancy and marital status discrimination in employee performance appraisals. Poster presented at the meeting of the Society for Industrial/Organizational Psychology, Atlanta.

PRESENTATIONS (non-refereed)

Whalen, D.J., Nitterhouse, D., and Halpert, J.A. (1994, November). The Kemper Foundation Project: Vision Quest and business ethics. Paper presented at the conference on Teaching and Training Business Ethics in the 90's and Beyond: Issues, Strategies and Tactics, Chicago

Halpert, J. (1997, October). Diocesan funding in the Episcopal Church. Paper presented at Grantees' Conference, Lilly Endowment, Indianapolis.

Halpert, J.A. (2001, May). Members and employees: Organizational commitment among clergy. Paper presented at the symposium *Reinventing human resources: Adjusting to the changing economy*, DePaul University MSHR Program, Chicago.

EXTERNAL GRANTS

Diocesan Funding in the Episcopal Church. Lilly Endowment Grant #940374, September 1, 1994 - August 31, 1996, \$99,924. Principal Investigator

Kemper Foundation: Development and Testing of an Ethical Decision-Making Simulation Experience. 1992, \$10,000. Co-Principal Investigator

Minority Predoctoral Fellowship Program. National Heart, Lung, and Blood Institute, National Institutes of Health, Fellowship # HL08815-02, August 31, 1995 - August 30, 1997. \$52,542. Principal Investigator

INTERNAL GRANTS AND AWARDS

1989	Quality of Instruction Council, ICPSR Workshop	\$1,600
1990	Summer Faculty Research and Development Grant	\$4,000
2007	Quality of Instruction Council, Departmental Initiative Grant, Software for Departmental Research.	\$7,500
2009	Research Leave for Spring Quarter, 2009.	

AWARDS AND RECOGNITION

- 1997 Nominated for DePaul Excellence in Teaching Award
- 1998 Nominated for DePaul Excellence in Teaching Award
- 2008 Nominated for DePaul Excellence in Teaching Award
- 2008 Nominated for Society for Industrial-Organizational Psychology Distinguished Teaching Award

MEMBERSHIPS

- American Psychological Association
- Society for Industrial and Organizational Psychology
- Academy of Management
- Midwestern Psychological Association
- Chicago Industrial/Organizational Psychologists (past-president)

REVIEWER FOR JOURNALS AND CONFERENCES

- Journal of Business Ethics
- American Educational Research Journal
- Journal of Experimental Social Psychology
- Academy of Management Conference
- Society for Industrial and Organizational Psychology Conference
- Midwestern Psychological Association Conference

rev. 01/05/11

Expert Report on Stereotyping
Jane A. Halpert, Ph.D.
January 5, 2011

REFERENCES

Allport, G.W. (1954). *The nature of prejudice*. Reading, MA: Addison-Wesley.

Bargh, J.A., Raymond, P., Pryor, J.B., & Strack, F. (1995). Attractiveness of the underling: An automatic power-sex association and its consequences for sexual harassment and aggression. *Journal of Personality and Social Psychology, 68*, 768-781.

Bragger, J.D., Kutcher, E., Morgan, J., & Firth, P. (2002). The effects of the structured interview on reducing biases against pregnant job applicants. *Sex Roles, 46*, 215-226.

Budig, M., & England, P. (2001). The wage penalty for motherhood. *American Sociological Review, 66*, 204-225.

Cooper, V.W. (1997). Homophily or the queen bee syndrome: Female evaluation of female leadership. *Small Group Research, 28*, 483-499

Correll, S.J., Benard, S., & Paik, I. (2007). Getting a job: Is there a motherhood penalty? *American Journal of Sociology, 112*(5), 1297-1338.

Crosby, F.J., Williams, J.C., & Biernat, M. (2004). The maternal wall. *Journal of Social Issues, 60*(4), 675-682.

Cuddy, A.J.C., Fiske, S.T., & Glick, P. (2004). When professionals become mothers, warmth doesn't cut the ice. *Journal of Social Issues, 60*(4), 701-718.

Cunningham, J., & Macan, T. (2007). Effects of applicant pregnancy on hiring decisions and interview ratings. *Sex Roles, 57*, 497-508.

Deaux, K., & LaFrance, M. (1998). Gender. In: D.Gilbert, S.T. Fiske, & G. Lindzey (Eds.). *Handbook of Social Psychology* (4th Ed., pp. 788-827). NY: McGraw-Hill.

Devine, P.G. (1989). Stereotypes and prejudice: their automatic and controlled components. *Journal of Personality and Social Psychology, 56*, 5-18.

Eagly, A.H. (1987). *Sex differences in social behavior: A social role interpretation*. Hillsdale, NJ: Erlbaum.

Ellemers, N., van den Heuvel, H., de Gilder, D., Maass, A., & Bonvini, A. (2004). The underrepresentation of women in science: Differential commitment or the queen bee syndrome? *British Journal of Social Psychology, 43*, 315-328.

Equal Employment Opportunity Commission. Downloaded from web site <http://eeoc.gov/eeoc/statistics/enforcement/pregnancy.cfm> on May 1, 2010.

Etaugh, C., & Kasley, H.C. (1981). Marital status, and parental status. *Psychology of Women Quarterly, 6*(2), 196-203.

Etaugh, C., & Malstrom, J. (1981). The effect of marital status on person perception. *Journal of Marriage and Family, 43*(4), 801-805.

Feldman, J.M. (1981). Beyond attribution theory: Cognitive processes in performance appraisal. *Journal of Applied Psychology, 66*(2), 127-148.

Fiske, S.T. (1993). Controlling other people: The impact of power on stereotyping. *American Psychologist, 48*(6), 621-628.

Fiske, S.T. (1998). Stereotyping, prejudice, and discrimination. In: D.Gilbert, S.T. Fiske, & G. Lindzey (Eds.). *Handbook of Social Psychology* (4th Ed., pp. 357-411). NY: McGraw-Hill.

Fuegen, K., Biernat, M., Haines, E., & Deaux, K. (2004). Mothers and fathers in the workplace: How gender and parental status influence judgments of job-related competence. *Journal of Social Issues*, 60(4), 737-754.

Gelfand, M.J., Nishii, L.H., Raver, J.L., & Schneider, B. (2005). Discrimination in organizations: An organizational-level systems perspective. In: Dipboye, R.L., & Colella, A., *Discrimination at Work: The Psychological and Organizational Bases*. Mahwah, NJ: Lawrence A. Erlbaum.

Glick, P., & Fiske, S.T. (1996). The Ambivalent Sexism Inventory: Differentiating hostile and benevolent sexism. *Journal of Personality and Social Psychology*, 70(3), 491-512.

Glick, P., & Fiske, S.T. (1997). Hostile and benevolent sexism: Measuring ambivalent sexist attitudes toward women. *Psychology of Women Quarterly*, 21, 119-135.

Glick, P., & Fiske, S.T. (2001). An ambivalent alliance: Hostile and benevolent sexism as complementary justifications for gender inequality. *American Psychologist*, 56, 109-118.

Goodman, J.D., & Croyle, R.T. (1989). Social framework testimony in employment discrimination cases. *Behavioral Sciences and the Law*, 7, 227-241.

Greenberg, D., Ladge, J., & Clair, J. (2009). Negotiating pregnancy at work: Public and private conflicts. *Negotiation and Conflict Management Journal*, 2, 42-56.

Gueutal, H.G., & Taylor, E.M. (1991). Employee pregnancy: The impact on organizations, pregnant employees and co-workers. *Journal of Business and Psychology*, 5(4), 459-476.

Gueutal, H.G., Luciano, J., & Michaels, C.A. (1995). Pregnancy in the workplace: Does pregnancy affect performance appraisal ratings? *Journal of Business and Psychology, 10*(2), 155-167.

Halpert, J.A., & Burg, J.H. (1997). Mixed messages: Co-worker responses to the pregnant employee. *Journal of Business and Psychology, 12*(2), 241-253.

Halpert, J.A., Haynes, S., Lueck, M., & Marentette, B. (2010, April). Attitudes about pregnant employees: Change over twenty years. Poster presented at the Conference of the Society for Industrial and Organizational Psychology, Atlanta.

Halpert, J.A., Haynes, S., Lueck, M., Marentette, B., & Jones, R. (2010) Pregnancy discrimination: An extension of predictor variables. *Unpublished manuscript.*

Halpert, J.A., Wilson, M.L., & Hickman, J.L. (1993). Pregnancy as a source of bias in performance appraisals. *Journal of Organizational Behavior, 14*, 649-663.

Hebl, M.R., King, E.B., Glick, P., Singletary, S.L., & Kazama, S. (2007). Hostile and benevolent reactions toward pregnant women: Complementary interpersonal punishments and rewards that maintain traditional roles. *Journal of Applied Psychology, 92*, 1499-1511.

Hilton, J.L., & von Hippel, W. (1996). Stereotypes. *Annual Review of Psychology, 47*, 237-271.

Hoobler, J.M., Wayne, S.J., & Lemmon, G. (2009). Bosses' perceptions of family-work conflict and women's promotability: Glass ceiling effects. *Academy of Management Journal, 52*(5), 939-957.

Horgan, D. (1983). The pregnant woman's place and where to find it. *Sex Roles, 9*, 333-339.

King, E.B. (2008). The effect of bias on the advancement of working mothers: Disentangling legitimate concerns from inaccurate stereotypes as predictors of advancement in academe. *Human Relations, 61*(12), 1677-1711.

Krieger, L.H. (2004). The intuitive psychologist behind the bench: Models of gender bias in social psychology and employment discrimination law. *Journal of Social Issues, 60*(4), 835-848.

Masser, B., Grass, K., & Nesic, M. (2007). 'We like you, but we don't want you' – The impact of pregnancy in the workplace. *Sex Roles, 57*, 703-712.

McDonald, P., Dear, K., & Backstrom, S. (2008). Expecting the worst: Circumstances surrounding pregnancy discrimination at work and progress to formal redress. *Industrial Relations Journal, 39*(3), 229-247.

Monahan, J., & Walker, L. (1988). Social science research in law: A new paradigm. *American Psychologist, 43*(6), 465-472.

Monahan, J., & Walker, L. (1991). Judicial use of social science research. *Law and Human Behavior, 15*(6), 571-584.

Pattison, H.M., Gross, H., & Cast, C. (1997). Pregnancy and employment: The perceptions and beliefs of fellow workers. *Journal of Reproductive and Infant Psychology, 15*, 303-313.

Ridgeway, C.L., & Correll, S.J. (2004). Motherhood as a status characteristic. *Journal of Social Issues, 60*(4), 683-700.

Sackett, P.R., DuBois, C.L.Z., & Noe, A.W. (1991). Tokenism in performance evaluations: The effects of work group representation on male-female and white-black differences in performance ratings. *Journal of Applied Psychology*, 76, 263-267.

Swim, J.K., Aikin, K.J., Hall, W.S., & Hunter, B.A. (1995). Sexism and racism: Old-fashioned and modern prejudices. *Journal of Personality and Social Psychology*, 68(2), 199-214.

Taylor, S.E., & Langer, E.J. (1977). Pregnancy: A social stigma? *Sex Roles*, 3, 27-35.

Thomas, K.M., & Chrobot-Mason, D. (2005). Group-level explanations of workplace discrimination. In: Dipboye, R.L., & Colella, A., *Discrimination at Work: The Psychological and Organizational Bases*. Mahwah, NJ: Lawrence A. Erlbaum.

Toder, N. (1980). The effect of the sexual composition of a group on discrimination against women and sex-role attitudes. *Psychology of Women Quarterly*, 5, 292-310.

Tougas, F., Brown, R., Beaton, A.M., & Joly, S. (1995). Neo-sexism: Plus ca change, plus c'est pareil. *Personality and Social Psychology Bulletin*, 21, 842-849.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of January, 2011, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Karen Vickers
Mersereau Shannon, LLP
One SW Columbia Street
Suite 1600
Portland, OR 97258-2089
kvickers@mershanlaw.com

Attorneys for Defendants

DATED: January 14, 2011

BUCHANAN ANGELI ALTSCHUL &
SULLIVAN LLP


Dana L. Sullivan, OSB No. 94483
Telephone: (503) 974-5023

Attorneys for Plaintiffs